

REMARKS

The Examiner required restriction among the claims under 35 U.S.C. § 121 alleging that the pending claims reflect four groups of inventions. The Examiner asserted that the claims fell into the following groups:

- I. Claims 1-2, drawn to a panel of single nucleotide polymorphisms, classified in class 536, subclass 23.1;
- II. Claims 3-6, drawn to a method of generating a panel of single nucleotide polymorphisms, classified in class 435, subclass 287.2;
- III. Claims 7-20, drawn to a method for determining the identity of an individual, classified in class 435, subclass 6; or
- IV. Claims 21-31, drawn to a method genotyping a nucleic acid sample, classified in class 435, subclass 6.

Applicants provisionally elect, with traverse, the subject matter in Group IV, Claims 21-31, drawn to a method genotyping a nucleic acid sample, classified in class 435, subclass 6.

Applicants respectfully disagree with the restriction requirement, and submit that the Examiner has not met the burden of establishing two or more independent and distinct inventions claimed in one application under 35 U.S.C. § 121. For example, the Examiner has not met the burden of showing that the panels and method of using the panels are independent and distinct. Moreover, the Examiner would almost certainly cite the same reference in one group against the other group. Applicants submit that separate searches for each of the alleged groups would be substantially duplicative, and the Examiner has not demonstrated that a search directed to one group is unreasonable or would present an undue burden on the U.S. Patent Office. Accordingly, Applicants respectfully request the restriction requirement to be withdrawn.

Applicant: Giles, et al.
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Applicants note for the record that the claims may be rejoined if Group IV claims are subsequently found to be allowable provided all the claims include the allowable feature.

Applicants hereby requests a four-month extension of time under 37 CFR 1.136(a) and authorize the Patent Office to charge the Deposit Account No. 11-0171.

If any additional fees are due or any overpayment has been made, please charge our Deposit Account No. 11-0171 or credit our Deposit account for such sum.

If the Examiner has any questions regarding the present application, the Examiner is cordially invited to contact Applicants' attorney at the telephone number provided below.

Respectfully submitted,



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